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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,403	03/12/2004	Frank Boyer	BOYER-PA-1	7143
7590	11/21/2006		EXAMINER	
OBERIKALER C/O ROYAL W CRAIG 120 EAST BALTIMORE STREET BALTIMORE, MD 21202			ART UNIT	PAPER NUMBER

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT      PAPER

20061117

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Stephen M. Johnson  
Primary Examiner  
Art Unit: 3641

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR  
41.37(c)

1. Applicant's Appeal Brief, filed on 9/01/2006, is not in compliance (defective) with 37 CFR 41.37(c) for the following reasons:

- 1) The Status of Claims section should include two things. Firstly, it should include the status of all the claims in the case (e.g., rejected, allowed, withdrawn, cancelled). Secondly, it should include an identification of those claims being appealed.
- 2) The Grounds of Rejection to be reviewed on Appeal section is in error. The fifth and sixth grounds of rejection should be directed to 35 U.S.C. 112 (second paragraph) and 35 U.S.C. 112 (first paragraph).
- 3) The Argument section is in error. The fifth and sixth grounds of rejection should be directed to 35 U.S.C. 112 (second paragraph) and 35 U.S.C. 112 (first paragraph).
- 4) The Claim Appendix should be a clean copy and should not include any markings such as brackets or underlining. Further, claim 3 as submitted on 9/1/2006 is not equivalent to claim 3 as presented prior to the final rejection (i.e. claim 3 as filed on 10/11/2005). It is suggested that the claim appendix section include both claims 1 and 3 in view of the fact that claim 3 depends from claim 1 in clean copy form and containing all of the claim limitations of these claims as presented on 10/11/2005 without either adding or deleting any claim language.
- 5) The Status of Amendments section should be amended to show that the proposed amendment to claim 3 as filed on 9/1/2006 has not been entered.

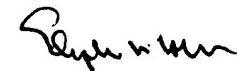
6) The sections denoted APPENDIX A; APPENDIX B; and APPENDIX C should be denoted as sections CLAIM APPENDIX; EVIDENCE APPENDIX; and RELATED PROCEEDINGS APPENDIX in conformance with sections (viii), (ix), and (x) of 37 CFR 41.37.

2. Appellant is required to comply with provisions of 37 CFR 41.37(c). To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 41.37(c) within ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication. Extensions of time may be granted under 37 CFR 1.136.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is ([Stephen.Johnson@uspto.gov](mailto:Stephen.Johnson@uspto.gov)). The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.



**STEPHEN M. JOHNSON  
PRIMARY EXAMINER**

Stephen M. Johnson  
Primary Examiner  
Art Unit 3641

SMJ  
November 17, 2006